THE BROADWAY WIDENING.

The Application for a New Commissioner.

Argument in the Supreme Court Decision Reserved.

Nothing that has come before the courts for a long time has excited so much public interest, inasmuch as it affects a large portion of the community, as the matter of widening Broadway. It has come up before, and a commission was appointed which made awards and assessments, and, among the latter, assessed the Central Park for over a million By an act of the last Legislature this commission and its awards and assessments were set aside and a new one ordered, which the act depreme Court on application of the Corporation

before Judge Cardozo, the matter being on the cal-endar for that day, and had it adjourned until yesrday morning. Half-past ten o'clock found the chambers of the Supreme Court filled to overflowing with representatives of the district which is the

in the matter was depicted on their countenances.

By the time Judge Cardozo had taken his place on ch every vacant seat was filled and numbers were standing, taking up all the room, even to the doorway. After the court had been formally opened nd had signified its readiness to proceed with the usiness of the day Mr. Richard O'Gorman, Counthe Corporation, rose to OPEN THE ARGUMENT

olion for the appointment of a new Comission of Estimate and Assessment in the matter ing Broadway, as provided for by act of the Legislature. He spoke of the old commission and of the public which law and justice required should be done away with. He said that some of its assessments were invalid, and especially referred to that assessing the Central Park for a million dollars, which he thought could not stand. His position re-quired that he make the motion for the appointment

to carry it into effect. Counsel then read the following affidavits:-

of the commission, and he strongly urged the Court

MAYOR HALL'S AFFIDAVIT. EME COURT.—In the matter of the application of the Altermen and Commonalty of the city of New York, to the wiscoing and straightening of Broadway Thirty-fourth and Filty-minth streets, and also the of that part of Broadway between Thirty-second ty-screenth streets, of a greater width than 100 feet, in of New York.

and Forte-neventh streets, of a greater width than 100 feet, in its city of New Tork.

On and Gundy or New Fork, s:—A. Oakey Hall, being the worn, deposes and says. I am and for more than two cases last past have been Mayor of the city of New York and Frestdent of the Staking Fund Commissioners of said ty; no motion of the Staking Fund Commissioners of and say person that the Commissioners of Estimate and savessment in the above entitled matter intended, subsequent the filing of the abstract in the office of the Commissioners of Public Works, to assess any portion of the expense of the all improvement on that portion of the Central Park lying three three first of the Commissioners of the said improvement on that portion of the Central Park lying chosen for the case of the commissioner of the Staking Fund, of the first of the Commissioner of the Staking Fund, of the instant to reduce the smouth awarded by the abstract filed in office of the Commissioner of Public Works as Koresaid, the Mayor, Aldermen and Commonalty for the parcers of a street which were closed and for which the Commissioner has awarded to the city of New York the sum of \$66,5%.

Worn to before me. New York, March 27, 1271.

Chao O. Joling, Commissioner of Deeds, New York city.

AFFIDAVIT OF PETER R. SWEENY.

before me, New York, March 27, 17.

JOLING, Commissioner of Deeds, New York city, APPIDAVIT OF PETER R. SWEENY.

I. Sweeny testitud—Is the President of the Board of soners having charge of the Department of Public line city of New York, that neither deponent nor rio of Commissioners, to his knowledge, were ever it be fact that an assessment was laid or proposed (upon that portion of the Central Park mounded betweenth and Hohk streets, Fifth and Eighth avead by the report of the Commissioners of Estimate estimates in the above entitled matter, and this decoding median believes that the abstracts and reports of missioners, field on or about the 94th of September, he office of the Department of Public Works, as real described property; that after the 28th day of c. 1850, when said report was contrained by the Superity, this depondent discovered that the sum of Single heet assessed upon the Central Park in such ing, and which and insessment this deponent believes require, filegal and unjust.

the at each time. that after the expension of the time for boarding dependents the awards and assessments contained in such a surrants, this deponent computed or caused to be computed the total amended awards and expenses, and the total corrected assessments, and under the direction and the struction of the aforesaid Commissioners provided for the existing deficiency by an assessment upon the Central Park, which the area coscribed, of \$1,800,000; that no notice of such last mentioned assessment was served agos the Commissioners of Public Parks, or upon any officer or department of the municipal government of the city of New York, to the best of this deponent's knowledge and tedef.

PROTEST FROM TAR ASTORS.

Mr. D. D. Lord next read the affidavit of J. J. Astor, as follows:

John J. Astor, being duly sworn, saith that he and Daniel D. Lord are the owners in trust of the tots mentioned in schedule A, hereto amended, that he and Wm. Astor are owners in trust of the loss mentioned in schedule A, hereto amended, that he and which B, hereto amended the conduct of the further saids the loss mentioned in schedule A, hereto amended, that he not with the spread of the total mentioned in schedule A, hereto amended the conduct of the further saids the loss mentioned in schedule A, hereto amended, that he was long been conversant with asies of property and the changes in value which the further saids the well acquisited with the further saids that he wards may be the tournissioners for damages in most instances with the further saids that he wards may be the tournissioners for damages in most instances which are concerned changes which will result from the widening of the value of the property sequired for st. so that the expense of said widening is very much larger than B should be; he saith also that assessments for benefit or the said and the property which is assessment with the property within the said said the sasessments for leading to the value of the property shade, as a much benefit as other property which is asse

Mr. Hall next domain of the attention of the Court. He appeared for the assignee of an award. His client considered this award authorized more than just, and did not wish it disturbed. He passed up his papers to the Judge, and white the same were it remarks a Nr. Stone claimed the judicial ear, which being granted he cutered upon the reading of adidatits.

being granted he entered upon the reading of adidavits

SUSTAINING THE AWARD.

The adidavits set forth futtest confidence in the
commissions and the awards, and stoutly protested
against the same being in any respect interfered
with.

Voice from wife citizens' Association.

Mr. Olin, on behalf of the Citizens' Association.
protested in a brief but energetic speech against the
allowance of certain awards which were specified.
He centralized his invective thunder against those
made to Mr. Walson, late County Auditor, and
which awards went now for the benefit of his
catate.

which awards went now for the benefit of his estate.

REOFERTY OWNERS ON THE MATTER.

Mr. Gratz Nathan said be represented several property owners whose property was to be effected by the proposed widening of Broadway. They were all in favor of the awards standing as they were. After quite a sinry little speech on the subject he passed up his papers. Succeeding him Mr. Stofer made a protest from a hon-restient owner. This gentleman expressed himself perfectly satisfied with the awards and desired them to remain as they are.

gentieman expressed himself perfectly satisfied with the awards and desired them to remain as they are.

H. H. ANDERSON AGAINST THE MOTION.

After a somewhat extended exordium Mr. Anderson went on to say that he did not know until this notice had been published in the papers but that some suspendous fraud was to be had open to the public. What had they presented us the ground for setting aside this order From a statement of the President of the Central Park Board. It appeared that an assessment of one million six hundred thousand dollars had been had been had no central Park. An amidavit of Mr. Sincian shows that he had no notice. But the Corporation could not plead ignorance as to this assessment. He listened attentively to the remarks of the Counsei to the Corporation, and for the life of him could not see much soundness it his argument. He made extracts from the city statutes, showing variety of assessments upon city parks. Could the learned Counsel of the Corporation be ignorant of this fact? Referring to a decision in the Supreme Court, General Term, relative to the confirmation for the opening of Church street, he remembered that one of the surgness obstacles to the report was that assessments had been made on the City Hell Park and the Bailery. Stremous efforts were made by counsel to have the report sent back, but the Court confirmed it as entirely legal. It had been suggested by the Counsel to the Corporation that they had not been duly notified in this matter. He claimed that no laminuity could be sought for on this ground. In this connection he cited various decisions in the court engagements had been made on the suggested by the Counsel to the Corporation that they had not been duly notified in this matter. He claimed that no laminuity could be sought for on this ground. In this connection he cited various decisions in the case, tracing these citations back to 1s13, when the case, tracing these citations back to 1s13, when the

passed by the Legislature, enlarged at considerable extent upon this subject of notices and then urged that it the report of the commissioners was to be regarded and the same effect given to it as to be regarded and the same effect given to it as to be regarded and the same effect given to it as to be regarded and the same effect given to it as to be reduced of a jury, then this court could are assessment upon Cartal Park. It was known, as the foundain her, of the city shaded, such fact should be many ghown, actioer and antistic been submitted attempting to show that jud Lassessment upon Central Park. It was known, as the foundain her, and the highward her therefore claimed the coming within the scope of weet, miss full to the ground. By the law of 1813 it became apparently the duty of the Court. In its opinion any portion of the report was wrong, to send it back for correction where it might be erroneous. In this way the ends of justice would be subserved and the rights of the public maintained, and such was the present pleasing duty and prerogative of the Court.

Spread for Its Shapper.

This gentleman followed. He said he confessed that, with many others, he had thought, or rather feared, that some great fraud was to be exposed in the courts. The public were startled by the presentation in the State Legislature of an act wiping out six millions of awards—wiping them as effectually as the records of the court. Swein, president of the Park Commissioners, did not know that an assessment had been made of \$1,500,000 upon the Central Park. It was true the Corporation Counsel was the guardian and protecter of the rights of the city, but in that case he had got on to the wrong track. He is the counsel of the Sween; president of the Park Commissioners, did not know that an assessment had been made of \$1,500,000 upon the Central Park. It was true the Corporation Counsel with the court of the city of the city and the presentation of the city of the city and the presentation of the country in the city could were assesse

EQUITY POINTS—SPEECH BY MR. VANDERPOEL.

The Judge inquired if anybody else desired to be heard on equity points.

Mr. Vanderpoel rose in reply and entered upon a speech which, though he promised it should be brief, was protracted to considerable length. He submitted that there had been nothing final in this case. The whole subject was open to review. According to the argument on the other Bide the Commissioners might walk into court any fine morning and ask a confirmation of their report without notice to any parties interested. He reterred to the act of 1813 and its enforcement as to notices and other legal steps, giving in extense his interpretation of the same. As to the assessment on Central Park, he urged that it was wholly irregular and unjust, and specified the respects in which there was failure to comply with the provisions of the act of 1813. He insisted that ample notice had been given. The great question was whether fraud had been used, and if so there was evidently abundant power in the courts to intervene and set it aside. An appeal could be made. It was all within the power of the Legislature. It was purely a malter of remedy. He quoted authorities on this point. There was no constitutional mode of giving rehel. The trouble was, the other side was claiming vested rights in awards that were wrong. All they wanted was that the Legislature should correct its wrong doing. After citation of other authorities he urged that no one could be deprived of his property without being paid for it at the time.

Mr. Shaffer, interrupting, said that in the matter of Wall street it was distinctly held, in 12 Barbour, that the property could be taken and paid for five months afterwards.

Mr. Vanderpoel said he was giving his individual opinion, which he rarely did in a court of justice.

Mr. Vanderpoel said he was giving his individual der thought it strange on the side of the

ANT. Shaller thought it strange on the side of the Corporation Counsel to addice personal opinions as argument. It only showed, in his opinion, the weakness of their side.

Mr. Vanderpoel insisted that theirs was the strang side of the case, and, like Ossa on Pelion, he brought forward a further long array of authorities to enforce this theory.

MR. O'GORMAN'S CLOSING SPEECH.

MR

which the court will have to consider is whether the act of 1871 is a

VIOLATION OF THE CONSTITUTION OF THE UNITED STATES OR OF THE STATE OF NEW YORK.

This question hearned counsel on the other side, who represents ellents desirous to protect the awards made to them in the report, have discussed at length. To me the question seems premature. The action of your floor in vacating the order confirming the report and appointing new commissioners does not necessarily require the reduction of a single award or the increase of a single assessment. If my learned friends, however, have any reason to believe that their chents have been awarded amounts which are excessive and unjust, it is not unnatural that they should antipate danger if the matter is subjected to further examination. At present, however, and until new commissioners have actually reduced the amounts which their chemis expected to gain by this transaction, it seems to me that the discussion might be postponed. The learned gentlemen claim that on the confirmation of the report their clients became entitled to their awards, as it they had obtained judgment therefor;

that there rights in said award should be regarded it vested rights. It seems to me that that view is failactory. At this moment, and until the expiration of four months from the confirmation of the four months it their awards the recovers of the four months it their awards the recovers of the four months it their awards the recovers of the same awards may be defended by the city of may not end in a judgment in favor of the paintiffs. How, then, can they giain that their right to awards should be regarded in a part of the paintiffs. How, then, can they giain that their right to awards should be regarded in a part of the paintiffs. How, then, can they giain that their right to awards should be regarded in a part of the paintiffs. How, then, can they giain that their right to awards should be regarded in most now when it is, in point of fact, no more than a chose in action which has to be obtained upon it. The learned connect on the other side seemed to dejected very much on the case of The People va. The Supervisors of Watchester, is fad-bour, 64. That was a case where the Legislature repealed an act authorizing the taking of land for the purpose of a road. There notice has been actually given by life owners of the land to brown their fences. The Supervisors of watchester, is fad-bour, 64. That was a case where the Legislature repealed an act authorizing the taking of land for the purpose of a road. There notice has been actually given by life owners of the land to remove their fences. The Supervisors of watchester, is an actually faken the land on the land of the purpose of a road. There notice has been actually given by life owners of the land to the land of the land o

REPLY OF THE FIRE COMMISSIONERS TO

The following has been sent to Mr. Bergh, as a response to his communication to the Board of Fire

Commissioners:—

Headquarters fire Department,
Str.—I am directed by the Board of Commissioners to acknowledge your note of March 24, and to say to you that the
newspaper silp you enclose, like many which you have doubtless read in reference to your own department, does not correctly state the circumstances. They often necessarily derive
the information from excited bystanders, which varies from
March and the correct pass down Nassau street,
and the collision was occasioned by a fruit pecier's wagon
being rapidly driven around the cornor from Nassau street,
into Madden lane. Just as it sarted again the truck was
crowded against the sidewalk, but the only serious
accident was to a boy, who jumped or fell down an
area and broke his leg. It was not, therefore, a case of reckless or even rapid driving, as you have concluded, without
apparently any special inquiry. The Commissioners are in
aimost instantaneous communication with all parts of the
districts under their charge, and in the performance of
their delicate outies do not derive their intelligence
from the press, nor would you, probably, be able
"to invite their attention to any subjects" which had not
recurred to them. They investigate every occurrence in the
department which deviates from its ruices, and especially districts under their charge, and in the performance of their delicate cuites do not derive their intelligence from the press, nor would you, probably, be able "to their their attention to any subjects" which had not recurred to them. They investigate every occurrence in the department which deviates from its rules, and especially accidents, collisions and complaints of citizens, and had this occurrence under close and careful inquiry before you could have read the newspaper reports. The right of way in the performance of duty is given by law with a view to the rapidity of movement, which is necessary to protect the lives and property of citizens, but in using it no apparatus is allowed to be driven more rapidly than a man, who runs at its head before the horses, can make his way along the street. Of any violation of this rule they are always glad of information. You say, speaking of the celerity of the movements of the department, "The remedy is worse than the disease, for it is far better that a few more pieces of timber should be consumed than that men, women and children should be consumed than that men, women and children should be crushed beneath these modern cars of Juggernaut in their efforts to reach a burning building a few moments sooner." Your practical humanity, they desire me to say, takes here but a single view of the question, and they wish to give you another—one of many they could cite. On the 26th of September a fre occurred on the fifth story of No. 73 Montgomery street, at 1234. A. M., and the inmates were suddenly driven to the roof. The arrival of a ladder-truck with the utmost speed was not a matter of saving "pieces of timber," but human life, and moments had the value of hours. The apparatus arrived, the ladders were used, and District Engineer Bates rescued a child; Foreman Giequel, two women and two children; the man of Hook and Ladder No. 6, four persons, and those of Engine Company No. 11, three persons from the roof, preventing a frightful catastrophe which would have been poorly

THE NEWARK METHODIST CONFERENCE. The Appointments and the Adjournment Yes-

After being in session just seven days in the Methodist church at Morristown, N. J., the Newark Methodist Episcopal Conference adjourned state die yesterday afternoon at one o'clock. Hacketts-town was chosen as the place of meeting town was chosen as the place of meeting next time. The final report on subscriptions for the Centenary Collegiate Institute is:—
From ministers, \$17,252; from laymen, \$15,248. Total, \$22,500. Rev. Dr. Crane reported on Drew Semihafry, commending it and speaking favorably of the students who have supplied stations within the bounds of his district. R. Vanhorn, O. H. Tifany, S. M. Freeman, C. Larew, J. M. Tuttle, R. S. Arnt. C. S. Colf, W. N. Searles, J. B. Matnis and W. W. Voorhees were elected Conference Stewards. The appointments for the Kewark and Passaic districts of the Conference were as follows:—
Newark—Halsey street, J. S. Chadwick; Franklin street, J. R. Daniels: Cinton street, R. Vanhorne; Union street, D. Walters; Central caurch, A. Cookman, B. C. McBride; Eighth avenue, S. H. Opdyke; St. Paul's, O. H. Tiffany; Trinity, J. S. Bosweil; South Market street, B. D. F. Randolph; St. Luke's, S. Van Benschoten; East Newark, J. Scarlett; Roseville, J. K. Adams; Centenary, R. B. Collins; City Mission, to be supplied; Belleville, J. P. Dalley; Franklin, G. T. Jackson; Bioomideld, S. L. Baldwin; Montclaft, T. H. Landon. Orange—Pirst Church, W. Day; Calvary church, C. S. Ryman; Irvington, W. I. Gill; Springfield, J. E. Hancock; Milburn, J. N. Crane; Swimplay, to be supplied; Deanville, C. A. Lippincott; Boonton, T. Walters; Whitehail, to be supplied by f. C. Mayhew; Parsippany, A. L. Wilson; Little Passaic, First church, G. H. Whitney; Nyack, S. B. Roone; Rahway, First church, H. D. Opdyke; Perth Ambey, S. W. Hilliard; Plainfield, J. R. Bryan: Boand Brook, E. V. King; Staten Island, Bethel, I. N. Vanzant; Asbury, J. M. Tuttle; Hackettstown, C. E. Tuttle; J. Haulon, Professor in Pennington Collegiate Institute. next time. The final report on subscriptions

THE HEATHEN CHINEE IN THE SOUTH.—About six hundred Chinamen came down the river on the steamer Jennie Rogers, from Tuskaloosa, yesterday morning, and left for Louisiana on the New Orleans Railroad in the afternoon. Reports vary as to their uitimate destination—one report being that they go to work on a sugar plantation, and another that they have contracted to go to work on the Texas Railroad. Their appearance upon our streets caused no small amount of excitement, such a large number of Orientals in sight at one time being a matter entirely out of the usual run of things down this way.—Mobile Tribane. March 24.

THE ENGLISH STOCKHOLDERS.

Bill of Complaint and a Demurrer.

Ex-Attorney General Hoar Denounces the Erie Management, Opera House, Ballet Dancers and All.

The suit of John B. Heath and others vs. the Erie Railway Company and others came up yesterday in the United States Circuit Court, before Judge complaint.

interests of the parties to the suit. Ex-Attorney General Roar, Mr. William M. Evarts and Mr. Southmayd are counsel for the plaintiffs, and Mr. David Dudley Field, Mr. E. W. Stoughton and Judge Curtiss, of Massachusetts, represented the defend-

The bill alleges substantially as follows;—
The plaintiffs are allens and the defendants residents of New York. The plaintiffs are sharsholders of the Eric Railway Company, all of them, except Charles Burt, having stock in their names upon the company's books. Burt holds a certificate for twenty shares, with a power of attorney for its transfer to him, but the company has refused to allow such transfer to him, but the company has refused to allow such transfer to him, but the company has refused to allow such transfer to him, but the company has refused to allow such transfer to him, but the company has defended to the such a capital of \$25,105,300, of which \$5,345,700 was preferred stock. It has seventeen directors. In October, 1867, nine new directors were elected by a combination between the defendants, Gould, Fisk and Lane, and one John S. Ridridge, and by means of the purchase of proxies with money furnished by the Boston, Hartford and Frie Railroad Company. In February and March, 1898, Gould, Fisk and Lane, "and their confederates," caused \$10,000,000 of new stock in the company to be issued in exchange for convertible bonds, and they or some of them received more money from the sake of the stock than they paid the company for the bonds. These transactions being in violation of an injunction, the defendants other than the company for their own protection, as well as in procuring the passage of laws for the Legislature or for any corrupt purpose.] An alloy of this money was paid to members of the Legislature or for any corrupt purpose.] An alloy of this money was paid to members of the Legislature or for any corrupt purpose.] An alloy of the money was paid to members of the Legislature or for any corrupt purpose.] An alloy of the purchase by the Eric Railway Company, which was carried out. A sattlement of the Jurchase of the twenty of the company, Since July, 1883, 600,000 hares of slock from Vanderbill for \$3,500,000 hares of slock from Vanderbill for \$3,500,000 hereoming treasurer of the company, Since J

and that as matter of fact the board, in so far as it has acted at all, has acted and does act in entire subservieury to the personal, selish and traudulent schemes of Gould, Fisk and Lane, that since the election of the mew board meetings of the directors have been held more frequently than during the preceding year, when even the pretence of holding directors' meetings was abandoned, yet that as well since the election of such many and the control of the said corporation, its founds and an about an occored libbs, as before, Gould, Fisk and Lane, and the orators, upon their information and belief, allege that William M. Tweed is in full accourt with Gould, Fisk and Lane, in their schemes and acts for private and personal gain and advantage at the expense of the Eric Railway Company, and to the utter disregard and sacrifice of its interests, and, as the orators believe, has been and is personally interested in many of such schemes and acts; that the control of the directors are salaried employ, a of the Krie Railway Company, holding their offices at the pleasure of Gould, Fisk and Lane, or of Gould alone, and are under the influence and control of Gould, Fisk and Lane, or of Gould alone, and are under the influence and control of Gould, Fisk and Lane, and have only a nominal and trifling interest as shareholders of the Eric Railway Company, if they have any such interest, and that among the persons thus situated, as the orators believe, are Justin D. White, the assistant treasurer, John Hitton, the father of the company, and that M. R. Simons, another of the directors, is in substantially like position or relation with the sale Gould, Fisk and Lane, except that he is a salaried employe of the Narraganett Steamship Company, which is under the management, direction and control of Gould, Fisk and Lane.

And the orators believe and charge, that is under the management of the board, such as flowers and their supported as they are by no overwhelming majority of the board in their interest, and that they are in too sm

The demurrer is substantially in the following terms:—

The demurrer of James Fisk, Jr., defendant, impleaded with the Eric Railway Company, Jay Gould and Prederick A. Lane, as co-defendants, to the bill of compilation of John Benjamin Heath, Robert Amadeus Heath, Henry Burnier Heath, Edward Lewis Raphael, William Henry Queade, Eric Carrington Smith and Charles Burt, complainants:—

This defendant, not confessing or acknowledging all or any of the matters in the bill to be true, demors thereto, and says that the complainants have not, by the bill, made a case to entitle them to any discovery or relief, as souths for against the official and the substantial by the complainants have not, by the bill, made a case to entitle them to any discovery or relief, as souths for against the official will that John B. Edirdige, Henry Dringson, Levi Underwood, Joseph Bardswell, Eben D. Thomson, Joseph Bardswell, Ebe

apect of William M. Tweed the bill alleges that he is in full accord with the defendants, Gould. Fisk and Lane, in schemes of private gain at the expense of the Eris Company, and is personally interested therein.

It is alleged in the denurrer that the complainants, by their bill, have expressly warved an answer by this defendant in such manner and form as alone is known to and recommend by the rules and practice of this court, and so this defendant is not bound to answer the bill, but the same should be dismissed.

ment, laid before the Court his views in support of the demurrer, and submitted the following among other points:—

The bill states no cause of action, even in favor of the plantiffs who are registered stockholders. The acts which are complained of do not appear to be beyond the power of the corporation to do or ratiffy. There is nothing to show that the powers of the corporation are in nothing to show that the powers of the corporation are in onlying to show that the powers of the corporation are in onlying to show that the powers of the corporation are in onlying way imited. Unless the statutes relating to this company are to be considered as public statutes, or are, by consent of the parties referred to upon the argument, there can be no question upon the point. But if these statutes are taken into consideration there is still pothing wire, we alleged in the bill, except that some acts are in general terms asid to have been "illegal and nonthorized," or the like, all of which is a mere legal inference which goes for nothing. The charter allows the purchase of any kind of read or personal estate. Whether such transactions were prudent, or even thoughty. Even the purchase of the own stock is not urvive at common law, and the only national companies is expressly made inapplicable to this corporation. These acts being susceptible of radification, bill in equity to the them ands, or to call the parties to account concerning them, cannot be austained by any number of stockholders, without at least stating facts which exclude the possibility of submitting such questions to the decision of the corporate body and of setting the corporate body and of heading the corporate body and of

way Company, and is therefore not entitled to any relief in this suit. The bill not only does not show that any steck stands in his name upon the books of the company, but expressly avers that the stock upon the basis of which he sues has not been transferred to him, but stands in the names of other persons upon the books of the company. The allegations that Burt is "the owner and holder" of twenty shares, and that he "is entitled" to have them standing in his name, are mere conclusions of law, which amount to nothing in a p'eading. But even if they could be regarded as averaments of fact, they would not suffice to make him a member of this corporation. They only prove, at the utmost, that he has been wrongfully prevented from entering into the corporation and give him a claim for damages. Upon the facts alleged in the bill Burt had a ciaim against the company for damages to the amount of the value of his stock, in consequence of its refusal to allow the transfer to him. This claim for damages could not exist if the mere purchase of the certificate, execution of power of attorney to transfer and demand of transfer made the purchaser a member of the corporation. It is for the very reason that he has not been allowed to become a "stockholder," that he is allowed to recover damages. It would be the helpht of absurdity to allow a person thus situated to recover the full value of his stock in one action, and to take in another action all the beneit which he could derive from the full possession of the stock. But we are not left merely to our own reason upon this point. It has been expressly adjudged that a person who was entitled to the transferess. the built is no excluse for locating our freedors. Among the objects of the suit are the appointment of a receiver and the suspension or removal of some of the directors. Relither of these measures can be remaining directors, and they have a right to be heard upon these questions. Obviously the appointment of a receiver would deprive all the directors of any power over stainly might the suspension of three directors interfere with the administration of the corporate affairs by the remaining directors. It would be equally objections, the directors, as it would restrict them in the exercise of their powers. The very facts which the plantific allege for the purpose of showing that the corporation is centrely of their powers. The very facts which the plantific and their right to sue, are conclusive evidence that the directors are not all sufficiently represented by the corporation. If Gould, Flak and Lane have suppress and exclusive control of through the corporation's counsel, and have no notice of what is done in the action. The Boston, Hartford and Eric Ralirod Company is during the corporation's counsel, and have no notice of what is done in the action. The Boston, Hartford and Eric Ralirod Company is during the corporation of the result of t

behalf.

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THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

Petition of the Citizens of the City of New York to the Legislature of the State of New

York to the Legislature of the State of New York.

The undersigned respectfully represent that the New York Central and Hudson River Railroad Company is now paying dividends to the smount of \$3,834,265, and upon the sum of \$47,92,330 in excess of the cost of the road and property of the company, the said sum being made up of \$44,423,330 of consolidation certificates and \$3,500,000 of the capital stock of the Hudson River Railroad not called up, said certificates and shares representing no portion of the cost of said road, but having been issued solely as the means or instruments of dividing an income from such road greatly in excess of its cost.

And we further represent that to pay said enormous extra sum of \$3,834,266 annually the management of said roads resorts to iniquitous and oppressive devices, and has, in violation of law and public right, seriously injured the commerce and business interests of this State and outraged its citizens—to wit:—

By levying eppressive, discriminating way freights:

By increasing its rates of commutation:

By irregular rates of freight in summer, to destroy competition and business on the Eric Canal and Hudson river, and by cruel exactions in winter when there is no competition.

By excessive charges upon articles of daily consumption for the city of New York:

By projecting branches across wide avenues, in the suburbs of said city, without adequate protection for the safety of its citizens:

By locating its depots for its own gain, without due regard to public convenience:

By failing to furnish comfortable and cleanly cars, and by running such as are too filthy and disgusting for use:

By radely thrusting passengers from its trains or compelling them to pay extra fare in palace cars.

By failing to maintain a proper system or signata, by which death has resulted:
By failing to keep a proper watch, or guard, upon the road, by which death has resulted:
By sudden, uncalled for and inexcusable changes in rates of transportation:
By purchasing and holding property in real estate for speculation and gain:
By allowing its officers to engage in business done upon said road, the proceeds of which do not go into the treasury thereof for the mutual benefit of all the stockholders:

upon said road, the proceeds of which do not go into the treasury thereof for the mutual benefit of all the stockholders:

By using its money to control legislation:
By issuing free passes to public officers and members of the press:
By arbitrarily and without the color of right taking from the pockets of the many and filling the pockets of the iew.

It has created a moneyed aristocracy, irresponsi-It has created a moneyed aristocracy, irresponsi-ble, grasping, dangerous.

Its language to every interest is "Stand and de-liver, and to the uttermost."

It controls and regulates commerce and levies taxes in deflance of equity and public law.

Its unjust charges are an embargo upon trade, the very life-blood of a State, and have filled our ware-houses with merchandise, awaiting cheaper trans-portation.

portation.

Its oppressions have, in many instances, driven from us important industries; and, in every instance, has this mammoth monopoly consulted its own profits and ignored right.

Its anomalous "consolidation certificates," conferring all the advantages of property upon the holders, escape taxation.

This road was chartered under careful restrictions; as these have from time to time been removed it has abused the trust and forfeited public confidence.

It is a public highway, constructed for public use, and the public are entitled to all the benefits resulting therefrom beyond the adequate compensation due its constructors and operators. Upon this plea was its charter asked for, for this purpose was it authorized, and sound policy will permit no departure from this principle. It certainly will not do to let railroad corporations, singly or in combination, usurp the legitimate functions of government or unjustly oppress the people.

An organized effort to correct these atuses is demanded.

We therefore ask the Legislature to pass laws to regulate the rates of fare and transportation on this

An organized effort to correct these abuses is demanded.

We therefore ask the Legislature to pass laws to regulate the rates of fare and transportation on this and every railroad operated by steam within the limits of this State, and make the same as near uniform as may be, and so that he amount collected shall in no instance be more than similent to pay an annual dividend of eight per cent on the actual cost of construction and equipment, after paying operating expenses and reserving sufficient to keep the road, depots, bridges and rolling stock in perfect order, and providing that all in excess of this shall go into the Treasury of the State for the use and benefit thereof.

Also to pass a law authorizing the appointment of

in perfect order, and providing that all in excess of this shall go into the Treasury of the State for the use and benefit thereof.

Also to pass a law authorizing the appointment of commissioners to supervise the operations of these roads, to see that they are made safe, and that the laws in regard to them are complied with.

Also that no such railroad company or corporation shall hold or possess any property in real estate save as an easement for public use.

That no free passes shall be granted.

Also prohibiting under severe penalties any officer or employé of such roads from being pecuniarily interested in any business done upon the road wherewith they are connected as officer or employe, save and except where the proceeds of such business goes into the treasury of said road for the mutual benefit of all the stockhelders. And to enact such other laws as will cure the evils complained of.

Following are the signatures of dry goods dealers—H. B. Claffin & Co.; Hoyt, Spragnes & Co.; M. C. Langley & Co.; D. H. & M. Arnold & Co.; Spaulding, Hunt & Co.; Arnold, Constable & Co., and many more,

Merchanis—N. L. & G. Griswold; Wetmore, Cryder & Co., and others.

Hide and Leather Manufacturers—Schultz, Southwick & Co.; Frazer, Major & Co., and others.

Hardware Dealers—Hart Manufacturing Company; J. Russell & Co.; S. Haviland & Son, and many others.

EXTENSIVE FIRE AT SING SIXC.

The Loss Estimated at Sixty Thousand Dol-

iars—Probable Incendiarism.

Shortly after two o'clock yesterday morning a large frame building on Main street, Sing Sing, owned by Reynolds & Young, hardware merchants, was discovered to be on fire, and, although the Fire Department was promptly on the spot the flames communicated with two adjoining stores, all of which, with their contents, were totally destroyed, involving a loss of not less than \$60,000. The basement of the building in which the fire originated was used as a police station, while fire originated was used as a police station, while over the hardware store were numerous law offices, the upper store being devoted to the purposes of a public hall. The flames spread with such fierce rapidity that a few families living in the upper portion of the houses had barely time to escape in their night clothing. Among the heaviest sufferers are Reynolds & Young, who estimate their loss on building and stock at \$25,000, on which there is an insurance of \$14,500. The other houses were owned respectively by Benjamin Turnstail and Jones Brothers, druggists, each of whom had only a partial insurance on their property. James Howes, boot and shoe dealer; D. Roman, clothier; and Miss Fairbanks, milliner, lost nearly all their stock, the amount of insurance on which could not be ascertained. It was feared at one time that the Post Office would be destroyed, and accordingly the contents were speedily transat one time that the Post Office would be destroyed, and accordingly the contents were speedily transferred to a piace of safety. The origin of the fire remains a mystery, as that portion of the building in which it was first observed had been unoccupied for some days.

THE OLDEST MAN IN BOSTON.—The oldest man in Boston, James Rogers, of Ward Fourteen, who is 104 years of age, has applied for a pension, under the act recently passed granting pensions to soldiers of 1812. He served in an Ohio regiment.